REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-12 are pending, Claims 1, 2, 4, 6, 7, 9, 11 and 12 having been amended by way of the present amendment.

In the outstanding Office Action, Claim 1 was rejected under 35 U.S.C. § 112, first paragraph; and Claims 1-12 were rejected as being unpatentable over Purnadi et al. (U.S. Patent No. 6,201,971, hereinafter Purnadi) in view of Dupont (U.S. Patent No. 5,729,542).

In reply to the rejection under 35 U.S.C. § 112, first paragraph, Claim 1 has been amended to address the language cited in paragraph 3 of the Office Action. In particular, the language cited in paragraph 3 of the Office Action has been removed and Claim 1 rewritten, consistent with the specification. In particular, amended Claim 1 is directed to a method for allocating radio resources that includes a step of retrieving a first group including radio terminals or communication connections that are degraded more than required communication qualities, and a second group with communication qualities more favorable than required communication qualities, based on the required communication qualities reported from the radio terminals or communication connections respectively (support for this feature is found at least in the specification at page 11, lines 24-27). The method also includes a step of allocating the radio resource to the radio terminals or communication connections in the first group based on a priority order in the first group (support for this feature is found in the specification, at least at page 11, lines 26-33). The method finally includes a step of allocating the radio terminals or communication connections in the second group based on a priority order in the second group after the first group is allocated (see e.g. step 304 in Figure 5, as well as Figures 8-10, generally).

Purnadi is directed to an apparatus and associated method for controlling service degradation performance of communications in a radio communication system. Purnadi

describes that a priority is set for each service and quality of service levels (QoS). Services having a lower priority are degraded so that resources are allocated to services having a higher priority when the services having the higher priorities require more services (see, e.g., column 9, lines 39-58). The outstanding Office Action recognizes that Purnadi does not describe a first allocating part that allocates radio resources to radio terminals or communication connections in a first group with a higher priority than radio terminals or communication connections in the second group. However, Purnadi relies on the use of a permanent subscriber record stored in the home location register (see, e.g. Figure 1, as well as column 8, lines 62-65 and column 7, lines 28-30). As such, Purnadi does not teach or suggest the claimed feature of "required communication qualities reported from the radio terminals or communication connections respectively." Furthermore, it is respectfully submitted that Purnadi does not disclose a separate step of allocating radio terminals or communication connections in the second group based on a priority order in the second group after the first group is allocated.

The Office Action asserts Dupont for allocating radio resources to terminals or connections in a first group with higher priority than radio terminals or connections in a second group based on a priority order of the first group. The Office Action relies on the discussion in Dupont at column 9, line 64 through column 10, line 9. However, this passage merely explains that an access control message includes a first persistence value for a first group of communication units and a second persistence value for a second group of communication units where the first group has a higher priority than the second group. Assuming *arguendo* that the first and second groups correspond to the first and second groups in the presently claimed inventions, it is respectfully submitted that Dupont does not disclose the feature of allocating the resources to the first group based on a priority order and then allocating the radio resources to the radio terminals or connections in the second group

based on a priority order in the second group after the first group is allocated. Therefore, it is respectfully submitted that no matter how Purnadi is combined with Dupont, the combination does not teach or suggest all of the features of amended Claim 1. Therefore, it is respectfully submitted that Claim 1 patentably defines over the asserted prior art.

Although of differing scope and/or statutory class, it is respectfully submitted that Claims 2-12, as amended, also patentably define over the asserted prior art for at least the same reasons discussed above with regard to Claim 1.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-12, as amended, is adequately supported by the written description, and is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is respectfully requested.

Respectfully submitted,

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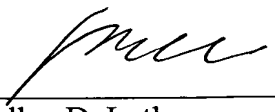

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